



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** February 4, 2004

**COUNCIL DISTRICT:** Citywide

**SNI AREAS:** All

**SUBJECT: PROPOSED ORDINANCE AMENDING TITLE 20, THE ZONING CODE, OF THE SAN JOSE MUNICIPAL CODE, TO CLARIFY THE PROCESS OF CONCURRENT FILING AND REVIEW OF PLANNED DEVELOPMENT ZONING AND PLANNED DEVELOPMENT PERMIT APPLICATIONS.**

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission forward to the City Council a recommendation to approve the proposed ordinance amending Title 20, the Zoning Code, of the San Jose Municipal Code clarifying the concurrent filing and review process of Planned Development Zoning and Planned Development Permit applications.

## **BACKGROUND**

As a part of the “Getting Families Back to Work” initiative, the City Manager determined that the development of a concurrent process for filing and review of Planned Development Zoning and Planned Development permit applications would increase the speed of project review, but would have no direct cost to the City.

Under the current Zoning Code, applicants are allowed to file Planned Development Zoning and Planned Development permit applications concurrently. This amendment clarifies that fact: For the same site, at the applicant’s discretion, Planned Development Zonings and Planned Development Permits can be acted upon by a single decision-making body in a unified process.

## **ANALYSIS**

Zoning Code Sections 20.100.130 and 20.100.140 deal with concurrent filing and review of zoning applications and development permits.

Zoning Code Section 20.100.130 explicitly states that a development permit may be filed and concurrently processed with a petition to rezone the property that is the subject of the application. The Zoning Code also states that the any development permit is not eligible for hearing until the adoption date of the ordinance that rezones the property. The Zoning Code goes on to state that a development permit may be approved after the final adoption date of the rezoning ordinance, but does not become effective until after the referendum period for the rezoning ordinance has passed without challenge.

Zoning Code Section 20.100.140 states that development permits can be reviewed and acted on in a unified process by one decision-making body, and provides a hierarchy for the appropriate permit procedures to be used. The general rule is that the procedures for the highest-level permit or approval shall be used in processing multiple approvals concurrently.

The proposed code revision specifically adds rezonings to the hierarchical list of approvals that can be approved under a unified process, making it explicit that Planned Development (PD) Zonings and Planned Development (PD) Permits can be acted upon in a unified process. In other words, the PD Zoning is the higher level approval, and the City Council could approve the PD Zoning and PD Permit for a given project.

The same time limitations to the approval and effective dates of a development permit associated with a rezoning ordinance would still apply to the proposed ordinance revision per Zoning Code Section 20.100.130. Development permits cannot be approved until the final adoption of the rezoning ordinance, and do not become effective until the rezoning ordinance becomes effective. One benefit of concurrent processing is that a City Council decision on a development permit would constitute a final decision of the City that could, in many cases, afford the applicant a more streamlined review of the development proposal.

## **PUBLIC OUTREACH**

On January 29, 2004, public hearing notices were mailed to members of the industrial, commercial, and residential development community along with key neighborhood organizations (e.g., associations and SNI Neighborhood Advisory Committees) and neighborhood umbrella groups (e.g., United Neighborhoods). As standard practice, staff posted the staff report and draft ordinance as well as the hearing dates on the Department's website.

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for Planned Development Zoning and Planned Development Permit applications**

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## **COORDINATION**

Preparation of the proposed ordinance has been coordinated with the City Attorney's Office.

## **CEQA**

Not a project.

STEPHEN M. HAASE, DIRECTOR  
Planning, Building, and Code Enforcement

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